

ESTTA Tracking number: **ESTTA417105**

Filing date: **06/29/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Box.net, Inc.
Granted to Date of previous extension	06/29/2011
Address	4440 El Camino Real Los Altos, CA 94022 UNITED STATES
Attorney information	Brian R. Coleman Perkins Coie, LLP 3150 Porter Drive Palo Alto, CA 94304 UNITED STATES coleb@perkinscoie.com Phone:(650) 838-4441

Applicant Information

Application No	77817716	Publication date	03/01/2011
Opposition Filing Date	06/29/2011	Opposition Period Ends	06/29/2011
Applicant	DROPBOX, INC. 153 KEARNY STREET, MEZZANINE SAN FRANCISCO, CA 94108 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 009.</p> <p>All goods and services in the class are opposed, namely: Computer software and downloadable computer software used to store and share data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via global computer networks, mobile telephones, and other communications networks for the purpose of file back up and synchronization, not including software for use in database management in the field of life sciences research or software for uploading or transferring advertising programs and media advertising communications</p>
<p>Class 039.</p> <p>All goods and services in the class are opposed, namely: Storage of electronic media, namely, data, documents, files, text, photos, images, graphics, music, audio, video, and multimedia content</p>
<p>Class 042.</p> <p>All goods and services in the class are opposed, namely: Providing temporary use of non-downloadable computer software used to store and share data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via global computer networks, mobile telephones, and other communications networks for the purpose of file back up and synchronization, not including software for use in database management in the field of</p>


biomedical research or software for uploading or transferring advertising programs and media advertising communications; hosting of digital content on the internet


Grounds for Opposition


Priority and likelihood of confusion

Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3429191	Application Date	10/05/2006
Registration Date	05/20/2008	Foreign Priority Date	NONE
Word Mark	BOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information		


U.S. Registration No.	3722965	Application Date	12/04/2007
Registration Date	12/08/2009	Foreign Priority Date	NONE
Word Mark	BOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2009/06/01 First Use In Commerce: 2009/06/01 advertising the goods and services of others via the Internet		

U.S. Registration No.	3612423	Application Date	12/04/2007
Registration Date	04/28/2009	Foreign Priority Date	NONE
Word Mark	BOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 On-line journals, namely, blogs discussing technology and business		


U.S. Registration No.	3618747	Application Date	08/19/2008
Registration Date	05/12/2009	Foreign Priority Date	NONE
Word Mark	BOX.NET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 On-line journals, namely, blogs discussing technology and business Class 042. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information		


U.S. Registration No.	3604221	Application Date	12/04/2007
Registration Date	04/07/2009	Foreign Priority Date	NONE

Word Mark	OPENBOX
Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 2007/11/01 First Use In Commerce: 2007/11/01 Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection editing, organizing, modifying, book marking, transmission, storage, and sharing of data and information, computer services, namely, providing customized on-line web pages featuring user-defined information, the web pages providing an interface for the collection

U.S. Registration No.	2650384	Application Date	01/03/2001
Registration Date	11/12/2002	Foreign Priority Date	NONE
Word Mark	FETCHBOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 electronic storage of remote computer data		

U.S. Application No.	77344030	Application Date	12/04/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	OPENBOX		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2007/11/01 First Use In Commerce: 2007/11/01 Computer Software, namely, software development tools; computer software for tracking changes and modifications to software and for managing software development projects; computer software, namely, application interfaces, plugins, and protocol interfaces and computer software development tools for design and development of open-source and proprietary software programs

U.S. Application No.	85022983	Application Date	04/26/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BOX		
Design Mark			
Description of Mark	The mark consists of the word "box" in lower-case letters.		
Goods/Services	Class 009. First use: First Use: 2006/03/01 First Use In Commerce: 2006/03/01 Computer software for online management of business content in the field of cloud computing services; computer software, namely, downloadable programs and mobile device software for the collecting, editing, organizing, modifying, book marking, transmission, storage, and sharing of data and information; computer software, namely, software development tools for content management in a cloud; computer software for tracking changes and modifications to software and for managing software development projects; computer software, namely, application interfaces, plugins, and protocol interfaces and computer software development tools for design and development of open-source and proprietary software programs; computer software for cloud content management; computer programs for running development programs and application programs in a common development environment; computer software for use as a tool for automating, personalizing, designing and updating web sites, website templates, web site graphics, text and animation for a global computer network, internal and external computer		

	<p>networks, and/or local and/or wide area computer networks; computer software for providing access to, providing information to, and obtaining information from computer networks for cloud content management</p> <p>Class 038. First use: Providing on-line chat rooms for transmission of messages among computer users concerning computers, computer software, document management, workgroups, business communications, business management and advertising, and small business issues</p> <p>Class 041. First use: First Use: 2006/03/01 First Use In Commerce: 2006/03/01 On-line journals, namely, blogs discussing technology and business</p> <p>Class 042. First use: First Use: 2006/03/01 First Use In Commerce: 2006/03/01 Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collecting, editing, organizing, modifying, book marking, transmission, storage, and sharing of data and information; computer services, namely, providing customized on-line web pages featuring user-defined information; application service provider of cloud computing services, namely, hosting web based applications for cloud content management of business content; application service provider, namely, providing non-downloadable computer programs for running development programs and application programs in a common development environment</p>
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Attachments	<p>77015157#TMSN.jpeg (1 page)(bytes) 77343975#TMSN.jpeg (1 page)(bytes) 77976378#TMSN.jpeg (1 page)(bytes) 77550858#TMSN.jpeg (1 page)(bytes) 77976361#TMSN.jpeg (1 page)(bytes) 76188913#TMSN.gif (1 page)(bytes) 77344030#TMSN.jpeg (1 page)(bytes) 85022983#TMSN.jpeg (1 page)(bytes) Dropbox Notice of Opposition.pdf (56 pages)(1340900 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/brian r. coleman/
Name	Brian R. Coleman
Date	06/29/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Box.net, Inc.

Opposer,

v.

Dropbox, Inc.

Applicant

Opposition No.: _____

NOTICE OF OPPOSITION

Application Serial No.: 77/817,716

Mark: DROPBOX

International Classes: 009, 039, 042

Filing Date: September 9, 2009

Publication date: March 1, 2011

Box.net, Inc. ("Box" or "Opposer"), a Delaware corporation having its principal place of business at 4440 El Camino Real, Los Altos, CA 94022, believes that it will be damaged by the issuance of a registration for the mark DROPBOX ("Applicant's Mark") as applied for in Application Serial No. 77/817,716 on September 1, 2009 ("Application"), by Dropbox, Inc. ("Dropbox" or "Applicant"), and hereby opposes registration of the same in Classes 009, 039 and 042.

As grounds for opposition, Opposer alleges that:

1. Box has timely filed this Opposition. Box extended the opposition deadline for 90 days, making the effective deadline June 29, 2011.

2. As evidenced by the March 1, 2011 publication, Applicant seeks to register the mark DROPBOX as a trademark for goods and services in classes 9, 39, and 42. The current owner is listed in the Application as Dropbox, Inc., a Delaware Corporation, with an address of

#135 Kearny Street, Mezzanine, San Francisco, CA, 94108. Applicant filed the Application based on intent to use in commerce, pursuant to Section 1(b) of the Lanham Act.

3. Box is a leading provider of on-line content storage, management and collaboration services. Through its website, www.box.net, Box allows users—including individuals, small businesses and Fortune 500 companies—to remotely store, access, and share documents, files, and media in the “cloud.”

4. Since its inception in 2005, Box has provided a cloud content management solution that enables users to remotely and securely store, access, and share content online. Through Box’s online workspace, customers can upload, organize, view and work on a variety of documents, files and media. To track and search content, Box offers users real-time updates through an activity feed and a full-text search engine to search within files.

5. Box users can also invite others to view and edit files, exchange comments or add their own files. These permissions can be customized and monitored. For ease of use, shared files or folders can be accessed using direct web links. Box also offers a “widget” feature whereby files can be submitted to a user’s Box account directly from the user’s webpage.

6. Box offers users a variety of ways to access their content—through Box’s website, mobile applications, or through partner applications such as Google Apps, NetSuite and Salesforce. Box also offers a feature known as “Box Sync,” which allows users to synchronize their computer desktop files directly with their Box content.

7. Box’s rights in the BOX mark and variations thereof are evidenced by its ownership of the following registrations (“Opposer’s Registrations”) and applications (“Opposer’s Applications”): Registration No. 3,429,191 for the word mark BOX in class 42, filed October 5, 2006; Registration No. 3,722,965 for the word mark BOX in class 35, filed December 4, 2007;

Registration No. 3,612,423 for the word mark BOX in class 41, filed December 4, 2007; Registration No. 3,618,747 for the word mark BOX.NET in classes 41 and 42, filed August 19, 2008; Registration No. 3,604,221 for the word mark OPENBOX in class 42, filed December 4, 2007; Registration No. 2,650,384 for the word mark FETCHBOX in class 39, filed January 3, 2001; Application Serial No. 77/344030 for the word mark OPENBOX in class 9, filed December 4, 2007; and Application Serial No. 85/022,983 for the stylized mark BOX for class 9, 38, 41, and 42, filed April 26, 2010. “Opposer’s Marks” are all of the marks that are the subject of the foregoing registrations and applications. “Opposer’s Goods and Services” are the goods and services that are the subject of the foregoing registrations and applications. True and correct copies of the certificates of registration along with TARR printouts for Opposer’s Registrations are attached hereto as Exhibits A – F. These registrations are in full force and effect. True and correct copies of TARR printouts for Opposer’s Applications are attached hereto as Exhibits G and H.

8. Fetchbox, LLC (“Fetchbox”) is the original applicant, registrant and owner of exclusive rights in the FETCHBOX mark, as well as the domains fetchbox.com, fetchbox.net, fetchbox.org and pixturebox.com.

9. Fetchbox used the FETCHBOX mark continuously and without interruption in interstate commerce, since at least as early as August 2000, to identify and distinguish “electronic storage of remote computer data” services as covered in Registration No. 2,650,384 for the word mark FETCHBOX in class 39.

10. On June 15, 2011, Fetchbox assigned all right, title and interest in the FETCHBOX mark, together with the goodwill associated therewith and the fetchbox.com, fetchbox.net, fetchbox.org and pixturebox.com domains, to Opposer. Opposer perfected the assignment by

executing and recording the assignment, as well as continuing to provide “electronic storage of remote computer data” services under the FETCHBOX mark. A copy of the Assignment document is attached hereto as Exhibit I.

11. Box has been using the BOX and the BOX.NET word marks for at least some of Opposer’s Goods and Services as early as 2005. Box has been using the OPENBOX word mark for at least some of Opposer’s Goods and Services as early as November 2007. Box has been using the stylized design mark found in Application Serial No. 85/022,983 for at least some of Opposer’s Goods and Services at least as early as March 2006.

12. Box’s federal trademark registrations for the Opposer’s Marks serve as prima facie evidence of: (a) the validity of the registered marks; (b) Box’s ownership of the marks; and (c) Box’s exclusive right to use the marks in commerce.

13. Opposer’s Goods and Services have been and/or are being advertised, promoted, marketed, offered and rendered in connection with Opposer’s Marks. Box has spent time, money and effort promoting Opposer’s Marks and developing customer recognition and goodwill in Opposer’s Marks nationwide on the Internet, via billboards and publications, and on Box’s website which can be accessed from multiple domains including www.box.net, www.box.com, and www.fetchbox.com.

14. Box’s advertising and promotion of its brand, website and Opposer’s Marks have been highly successful. Box has received considerable publicity as well as accolades from third-party sources who have written numerous articles about Box and Opposer’s Marks. Opposer’s Marks have been featured in prominent and influential media outlets such as The Wall Street Journal, The New York Times, CNNMoney.com, The Seattle Times, ABC News, Forbes Magazine, Computerworld and TechCrunch.

15. In addition, the strength and desirability of Box's technology has been recognized within the marketplace, adding to the value of Opposer's Marks. Box was named a WebWare 100 Award winner by CNET in 2007 and 2008, and one of AlwaysOn's "AO Top Private Companies" for 2007. In 2009, Box was awarded the Silicon Valley / San Jose Business Journal's Emerging Tech award in the Cloud Computing category. Box was recognized as one of the "Hottest Silicon Valley Companies" in 2010 by Lead411.

16. As a result of Box's marketing investment and the quality of Box's services, consumers have come to exclusively associate Opposer's Marks with Box and its high-quality and sought-after services.

17. The well-known use of Opposer's Marks has been continuous, exclusive and uninterrupted since their initial first use dates.

18. Opposer's Marks and their associated goodwill are assets of immense value to Box.

19. There is no issue concerning priority. On information and belief, Applicant was founded in 2007, under the name Evenflow, Inc., and no earlier than May 2007, Applicant began doing business using the mark DROPBOX. In or around October 2009, Applicant changed its name to Dropbox, Inc. Box's filing dates and first use dates in Opposer's Registrations predate the filing date reflected in Applicant's Intent to Use (ITU) Application, as well as Applicant's first use.

20. Applicant's DROPBOX mark is confusingly similar to Opposer's Marks, in sound, sight, and meaning. Opposer's Marks and Applicant's Mark have an identical dominant feature in the root term BOX. Like Applicant's DROPBOX mark, Opposer's Registrations include several marks which pair the dominant root term BOX with another term suggestive of the relevant goods and/or services, including OPENBOX and FETCHBOX.

21. On information and belief, Applicant's Goods and Services overlap with and/or are closely related to Opposer's Goods and Services.

22. Applicant's Mark so resembles Opposer's Marks as to be likely to cause confusion, to cause mistake, and to deceive the public with consequent injury to Opposer, the trade and the public.

23. Opposer believes it will be damaged if the Opposed Application is allowed to proceed to registration, because consumers and prospective consumers are likely to be confused, mistaken or deceived into believing that Applicant or Applicant's Goods and Services are connected with, sponsored by, or approved by Opposer. Any defect, objection or fault found with Applicant's Goods and Services marketed or sold under Applicant's Mark will reflect upon and seriously injure the valuable reputation that Opposer has established for the Opposer's Goods and Services. Registration of Applicant's Mark would also damage Opposer because such registration would grant a statutory exclusive right to Applicant in violation and derogation of the prior and superior rights of Opposer, would unduly narrow the scope of protection afforded to Opposer's Registrations, all in contravention of 15 U.S.C. § 1052(d).

24. The required \$300.00 opposition fee is being electronically processed in connection with this Notice of Opposition. The Director is authorized to debit Perkins Coie, LLP's Trademark Deposit Account No. 50-2207 for any deficiency in the required fee.

WHEREFORE, Opposer respectfully prays that its opposition be sustained and that the application for registration of Serial No. 77/817,716 be denied and refused. This Notice of Opposition is filed according to the rules governing electronic submissions to the Trademark Trial and Appeal Board, including payment of the requisite \$300 fee (i.e., \$300.00 per class).

DATED: June 29, 2011.

CERTIFICATE OF SERVICE

I hereby certify that this NOTICE OF OPPOSITION is being deposited with the United States Postal Service with sufficient postage as first class mail on June 29, 2011 in an envelope addressed to the listed correspondent for the Application:

Hong-Chi Truong, Esq.
Fenwick & West LLP
801 California Street
Mountain View CA 94041-1990


Brian R. Coleman

Respectfully submitted,

PERKINS COIE LLP

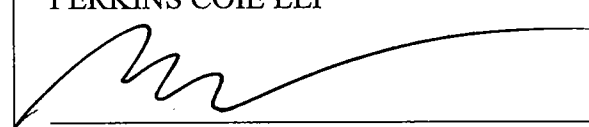

Brian R. Coleman
Attorneys for Opposer
3150 Porter Drive
Palo Alto CA 94304

EXHIBIT A

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,429,191

Registered May 20, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

BOX

BOX.NET, INC. (WASHINGTON CORPORATION)
1895 EL CAMINO REAL
PALO ALTO, CA 94306

FIRST USE 1-1-2007; IN COMMERCE 1-1-2007.

FOR: COMPUTER SERVICES, NAMELY, ACTING
AS AN APPLICATION SERVICE PROVIDER IN THE
FIELD OF KNOWLEDGE MANAGEMENT TO
HOST COMPUTER APPLICATION SOFTWARE
FOR THE COLLECTION, EDITING, ORGANIZING,
MODIFYING, BOOK MARKING, TRANSMISSION,
STORAGE AND SHARING OF DATA AND INFOR-
MATION, IN CLASS 42 (U.S. CLS. 100 AND 101).

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-015,157, FILED 10-5-2006.

MICHAEL ENGEL, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-06-29 15:08:14 ET

Serial Number: 77015157 Assignment Information Trademark Document Retrieval

Registration Number: 3429191

Mark

BOX

(words only): BOX

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-05-20

Filing Date: 2006-10-05

Transformed into a National Application: No

Registration Date: 2008-05-20

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-05-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Box.net, Inc.

Address:
Box.net, Inc.

1895 El Camino Real
Palo Alto, CA 94306
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Washington

GOODS AND/OR SERVICES

International Class: 042

Class Status: Active

Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information

Basis: 1(a)

First Use Date: 2007-01-01

First Use in Commerce Date: 2007-01-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-05-20 - Registered - Principal Register

2008-03-04 - Published for opposition

2008-02-13 - Notice of publication

2008-01-28 - Law Office Publication Review Completed

2008-01-27 - Approved for Pub - Principal Register (Initial exam)

2008-01-25 - Examiner's Amendment Entered

2008-01-25 - Notification Of Examiners Amendment E-Mailed

2008-01-25 - EXAMINERS AMENDMENT E-MAILED

2008-01-25 - Examiners Amendment -Written

2008-01-24 - Notification Of Letter Of Suspension E-Mailed
2008-01-24 - LETTER OF SUSPENSION E-MAILED
2008-01-24 - Suspension Letter Written
2007-12-05 - Teas/Email Correspondence Entered
2007-12-05 - Communication received from applicant
2007-12-05 - TEAS Response To Suspension Inquiry Received
2007-07-30 - Notification Of Letter Of Suspension E-Mailed
2007-07-30 - LETTER OF SUSPENSION E-MAILED
2007-07-30 - Suspension Letter Written
2007-07-30 - Amendment to Use approved
2007-06-08 - Teas/Email Correspondence Entered
2007-06-08 - Communication received from applicant
2007-06-08 - Amendment To Use Processing Complete
2007-05-23 - Use Amendment Filed
2007-06-08 - Assigned To LIE
2007-05-23 - TEAS Amendment of Use Received
2007-05-24 - Teas/Email Correspondence Entered
2007-05-23 - Communication received from applicant
2007-05-23 - TEAS Response to Office Action Received
2007-03-03 - Non-final action e-mailed
2007-03-03 - Non-Final Action Written
2007-02-22 - Assigned To Examiner
2006-10-12 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Brian R. Coleman

Correspondent

BRIAN R. COLEMAN
PERKINS COIE, LLP
101 JEFFERSON DR
MENLO PARK, CA 94025-1114
Phone Number: (650) 838-4300

EXHIBIT B

United States of America

United States Patent and Trademark Office

BOX

Reg. No. 3,722,965 BOX.NET, INC. (WASHINGTON CORPORATION)
Registered Dec. 8, 2009 1895 EL CAMINO REAL
PALO ALTO, CA 94306

Int. Cl.: 35 FOR: ADVERTISING THE GOODS AND SERVICES OF OTHERS VIA THE INTERNET, IN
CLASS 35 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK FIRST USE 6-1-2009; IN COMMERCE 6-1-2009.
PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-343,975, FILED 12-4-2007.

RAMONA ORTIGA, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-06-29 15:09:48 ET

Serial Number: 77343975 Assignment Information Trademark Document Retrieval

Registration Number: 3722965

Mark

BOX

(words only): BOX

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-12-08

Filing Date: 2007-12-04

Transformed into a National Application: No

Registration Date: 2009-12-08

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-11-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Box.net, Inc.

Address:

Box.net, Inc.

1895 El Camino Real
Palo Alto, CA 94306
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Washington

GOODS AND/OR SERVICES

International Class: 035

Class Status: Active

advertising the goods and services of others via the Internet

Basis: 1(a)

First Use Date: 2009-06-01

First Use in Commerce Date: 2009-06-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-12-08 - Registered - Principal Register

2009-11-05 - Law Office Registration Review Completed

2009-11-02 - Allowed for Registration - Principal Register (SOU accepted)

2009-10-19 - Statement Of Use Processing Complete

2009-10-16 - Use Amendment Filed

2009-10-16 - TEAS Statement of Use Received

2009-04-16 - Extension 1 granted

2009-04-16 - Extension 1 filed

2009-04-16 - TEAS Extension Received

2008-12-15 - Divisional processing completed

2008-11-28 - Divisional request received
2008-12-08 - Case Assigned To Intent To Use Paralegal
2008-11-28 - PAPER RECEIVED
2008-10-28 - NOA Mailed - SOU Required From Applicant
2008-08-05 - Published for opposition
2008-07-16 - Notice of publication
2008-07-02 - Law Office Publication Review Completed
2008-06-30 - Approved For Pub - Principal Register
2008-05-29 - Teas/Email Correspondence Entered
2008-05-29 - Communication received from applicant
2008-05-29 - Assigned To LIE
2008-05-28 - TEAS Response to Office Action Received
2008-03-25 - Notification Of Non-Final Action E-Mailed
2008-03-25 - Non-final action e-mailed
2008-03-25 - Non-Final Action Written
2008-03-13 - Assigned To Examiner
2007-12-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Brian R. Coleman

Correspondent

BRIAN R. COLEMAN
PERKINS COIE, LLP
101 JEFFERSON DR
MENLO PARK, CA 94025-1114
Phone Number: (650) 838-4441
Fax Number: (650) 838-4350

EXHIBIT C

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 3,612,423

United States Patent and Trademark Office

Registered Apr. 28, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

BOX

BOX.NET, INC. (WASHINGTON CORPORATION)
1895 EL CAMINO REAL
PALO ALTO, CA 94306

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: ON-LINE JOURNALS, NAMELY, BLOGS
DISCUSSING TECHNOLOGY AND BUSINESS, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

SER. NO. 77-976,378, FILED 12-4-2007.

FIRST USE 1-1-2007; IN COMMERCE 1-1-2007.

RAMONA ORTIGA, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-06-29 15:16:45 ET

Serial Number: 77976378 Assignment Information Trademark Document Retrieval

Registration Number: 3612423

Mark

BOX

(words only): BOX

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-04-28

Filing Date: 2007-12-04

Transformed into a National Application: No

Registration Date: 2009-04-28

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-04-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Box.net, Inc.

Address:

Box.net, Inc.

1895 El Camino Real
Palo Alto, CA 94306
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Washington

GOODS AND/OR SERVICES

International Class: 041

Class Status: Active

On-line journals, namely, blogs discussing technology and business

Basis: 1(a)

First Use Date: 2007-01-01

First Use in Commerce Date: 2007-01-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-04-28 - Registered - Principal Register

2009-03-25 - 1(B) Basis Deleted; Proceed To Registration

2008-12-15 - Notice Of Allowance Cancelled

2008-12-15 - Divisional processing completed

2008-11-28 - Divisional request received

2008-12-08 - Case Assigned To Intent To Use Paralegal

2008-11-28 - PAPER RECEIVED

2008-10-28 - NOA Mailed - SOU Required From Applicant

2008-08-05 - Published for opposition

2008-07-16 - Notice of publication

2008-07-02 - Law Office Publication Review Completed
2008-06-30 - Approved For Pub - Principal Register
2008-05-29 - Teas/Email Correspondence Entered
2008-05-29 - Communication received from applicant
2008-05-29 - Assigned To LIE
2008-05-28 - TEAS Response to Office Action Received
2008-03-25 - Notification Of Non-Final Action E-Mailed
2008-03-25 - Non-final action e-mailed
2008-03-25 - Non-Final Action Written
2008-03-13 - Assigned To Examiner
2007-12-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Brian R. Coleman

Correspondent

BRIAN R. COLEMAN
PERKINS COIE, LLP
101 JEFFERSON DR
MENLO PARK, CA 94025-1114
Phone Number: (650) 838-4441
Fax Number: (650) 838-4350

EXHIBIT D

Int. Cls.: 41 and 42

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,618,747

Registered May 12, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

BOX.NET

BOX.NET, INC. (WASHINGTON CORPORATION)
1895 EL CAMINO REAL
PALO ALTO, CA 94306

FOR: ON-LINE JOURNALS, NAMELY, BLOGS
DISCUSSING TECHNOLOGY AND BUSINESS, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-1-2007; IN COMMERCE 1-1-2007.

FOR: COMPUTER SERVICES, NAMELY, ACTING
AS AN APPLICATION SERVICE PROVIDER IN THE
FIELD OF KNOWLEDGE MANAGEMENT TO
HOST COMPUTER APPLICATION SOFTWARE
FOR THE COLLECTION, EDITING, ORGANIZING,

MODIFYING, BOOK MARKING, TRANSMISSION,
STORAGE AND SHARING OF DATA AND INFOR-
MATION, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-1-2007; IN COMMERCE 1-1-2007.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,429,191.

SER. NO. 77-550,858, FILED 8-19-2008.

NAAKWAMA ANKRAH, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-06-29 15:11:47 ET

Serial Number: 77550858 Assignment Information Trademark Document Retrieval

Registration Number: 3618747

Mark

BOX.NET

(words only): BOX.NET

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-05-12

Filing Date: 2008-08-19

Transformed into a National Application: No

Registration Date: 2009-05-12

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-05-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Box.net, Inc.

Address:

Box.net, Inc.

1895 El Camino Real
Palo Alto, CA 94306
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Washington

GOODS AND/OR SERVICES

International Class: 041
Class Status: Active
On-line journals, namely, blogs discussing technology and business
Basis: 1(a)
First Use Date: 2007-01-01
First Use in Commerce Date: 2007-01-01

International Class: 042
Class Status: Active
Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information
Basis: 1(a)
First Use Date: 2007-01-01
First Use in Commerce Date: 2007-01-01

ADDITIONAL INFORMATION

Prior Registration Number(s):
3429191

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-05-12 - Registered - Principal Register
2009-04-06 - 1(B) Basis Deleted; Proceed To Registration
2009-04-03 - Notice Of Allowance Cancelled
2009-04-06 - Case Assigned To Intent To Use Paralegal
2009-04-03 - TEAS Post Publication Amendment Received

2009-03-31 - NOA Mailed - SOU Required From Applicant
2009-01-06 - Published for opposition
2008-12-17 - Notice of publication
2008-12-03 - Law Office Publication Review Completed
2008-12-03 - Assigned To LIE
2008-11-29 - Approved For Pub - Principal Register
2008-11-26 - Assigned To Examiner
2008-08-23 - Notice Of Pseudo Mark Mailed
2008-08-22 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Brian R. Coleman

Correspondent

BRIAN R. COLEMAN
PERKINS COIE, LLP
101 JEFFERSON DR
MENLO PARK, CA 94025-1114
Phone Number: (650) 838-4441
Fax Number: (650) 838-4300

EXHIBIT E

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,604,221

Registered Apr. 7, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

OPENBOX

BOX.NET, INC. (WASHINGTON CORPORATION)
1895 EL CAMINO REAL
PALO ALTO, CA 94306

THE WEB PAGES PROVIDING AN INTERFACE
FOR THE COLLECTION, IN CLASS 42 (U.S. CLS. 100
AND 101).

FOR: COMPUTER SERVICES, NAMELY, ACTING
AS AN APPLICATION SERVICE PROVIDER IN THE
FIELD OF KNOWLEDGE MANAGEMENT TO
HOST COMPUTER APPLICATION SOFTWARE
FOR THE COLLECTION EDITING, ORGANIZING,
MODIFYING, BOOK MARKING, TRANSMISSION,
STORAGE, AND SHARING OF DATA AND INFOR-
MATION, COMPUTER SERVICES, NAMELY, PRO-
VIDING CUSTOMIZED ON-LINE WEB PAGES
FEATURING USER-DEFINED INFORMATION,

FIRST USE 11-1-2007; IN COMMERCE 11-1-2007.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 77-976,361, FILED 12-4-2007.

RAMONA ORTIGA, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-06-29 15:15:10 ET

Serial Number: 77976361 Assignment Information Trademark Document Retrieval

Registration Number: 3604221

Mark

OPENBOX

(words only): OPENBOX

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-04-07

Filing Date: 2007-12-04

Transformed into a National Application: No

Registration Date: 2009-04-07

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-03-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Box.net, Inc.

Address:

Box.net, Inc.

1895 El Camino Real
Palo Alto, CA 94306
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Washington

GOODS AND/OR SERVICES

International Class: 042

Class Status: Active

Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection editing, organizing, modifying, book marking, transmission, storage, and sharing of data and information, computer services, namely, providing customized on-line web pages featuring user-defined information, the web pages providing an interface for the collection

Basis: 1(a)

First Use Date: 2007-11-01

First Use in Commerce Date: 2007-11-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-04-07 - Registered - Principal Register

2009-03-04 - Law Office Registration Review Completed

2009-03-04 - Assigned To LIE

2009-03-02 - Allowed for Registration - Principal Register (SOU accepted)

2009-01-13 - Teas/Email Correspondence Entered

2009-01-12 - Communication received from applicant

2009-01-12 - TEAS Response to Office Action Received

2009-01-02 - Notification Of Non-Final Action E-Mailed

2009-01-02 - NON-FINAL ACTION E-MAILED

2009-01-02 - SU - Non-Final Action - Written

2008-12-12 - Notice Of Pseudo Mark Mailed

2008-12-11 - Statement Of Use Processing Complete

2008-11-20 - Use Amendment Filed

2008-12-11 - Divisional processing completed

2008-11-24 - Divisional request received

2008-12-05 - Case Assigned To Intent To Use Paralegal

2008-11-24 - PAPER RECEIVED

2008-11-20 - TEAS Statement of Use Received

2008-10-28 - NOA Mailed - SOU Required From Applicant

2008-08-05 - Published for opposition

2008-07-16 - Notice of publication

2008-07-02 - Law Office Publication Review Completed

2008-06-30 - Approved For Pub - Principal Register

2008-05-29 - Teas/Email Correspondence Entered

2008-05-29 - Communication received from applicant

2008-05-29 - Assigned To LIE

2008-05-28 - TEAS Response to Office Action Received

2008-03-25 - Notification Of Non-Final Action E-Mailed

2008-03-25 - Non-final action e-mailed

2008-03-25 - Non-Final Action Written

2008-03-13 - Assigned To Examiner

2007-12-08 - Notice Of Pseudo Mark Mailed

2007-12-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Brian R. Coleman

Correspondent

BRIAN R. COLEMAN

PERKINS COIE, LLP

101 JEFFERSON DR

MENLO PARK, CA 94025-1114

Phone Number: (650) 838-4441

Fax Number: (650) 838-4350

EXHIBIT F

Int. Cl.: 39

Prior U.S. Cls.: 100 and 105

Reg. No. 2,650,384

United States Patent and Trademark Office

Registered Nov. 12, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

FETCHBOX

FETCHBOX, LLC (NEW YORK CORPORATION)
14 LOWELL COURT
GOLDENS BRIDGE, NY 10526

FIRST USE 8-0-2000; IN COMMERCE 8-0-2000.

SN 76-188,913, FILED 1-3-2001.

FOR: ELECTRONIC STORAGE OF REMOTE
COMPUTER DATA, IN CLASS 39 (U.S. CLS. 100
AND 105).

SUE LAWRENCE, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-06-29 16:16:54 ET

Serial Number: 76188913 Assignment Information Trademark Document Retrieval

Registration Number: 2650384

Mark (words only): FETCHBOX

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2007-11-23

Filing Date: 2001-01-03

Transformed into a National Application: No

Registration Date: 2002-11-12

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-03-03

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Fetchbox, LLC

Address:

Fetchbox, LLC
14 Lowell Court
Goldens Bridge, NY 10526
United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 039

Class Status: Active

electronic storage of remote computer data

Basis: 1(a)

First Use Date: 2000-08-00

First Use in Commerce Date: 2000-08-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-06-20 - Attorney Revoked And/Or Appointed

2011-06-20 - TEAS Revoke/Appoint Attorney Received

2008-03-03 - Case File In TICRS

2007-11-23 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-11-14 - Assigned To Paralegal

2007-11-12 - TEAS Section 8 & 15 Received

2003-01-10 - TEAS Change Of Correspondence Received

2002-11-12 - Registered - Principal Register

2002-08-26 - Allowed for Registration - Principal Register (SOU accepted)

2002-08-07 - Assigned To Examiner

2002-08-02 - Statement Of Use Processing Complete

2002-08-02 - Extension 1 granted

2002-07-12 - Use Amendment Filed

2002-07-12 - Extension 1 filed

2002-07-12 - PAPER RECEIVED

2002-04-30 - NOA Mailed - SOU Required From Applicant

2002-02-05 - Published for opposition
2002-01-16 - Notice of publication
2001-11-10 - Approved For Pub - Principal Register
2001-11-10 - Assigned To Examiner
2001-08-16 - Communication received from applicant
2001-04-19 - Non-final action mailed
2001-04-13 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Brian R. Coleman

Correspondent

Brian R. Coleman
Perkins Coie, LLC
3150 Porter Drive
Palo Alto CA 94304
Phone Number: (650) 838-4441
Fax Number: (650) 838-4350

EXHIBIT G

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-06-29 15:11:12 ET

Serial Number: 77344030 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

OPENBOX

(words only): OPENBOX

Standard Character claim: Yes

Current Status: Review prior to registration completed.

Date of Status: 2011-06-27

Filing Date: 2007-12-04

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 117

Attorney Assigned:
ORTIGA PALMER RAMONA F

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-06-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Box.net, Inc.

Address:
Box.net, Inc.
1895 El Camino Real

Palo Alto, CA 94306

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Washington

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Computer Software, namely, software development tools; computer software for tracking changes and modifications to software and for managing software development projects; computer software, namely, application interfaces, plugins, and protocol interfaces and computer software development tools for design and development of open-source and proprietary software programs

Basis: 1(a)

First Use Date: 2007-11-01

First Use in Commerce Date: 2007-11-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-06-28 - Notice Of Acceptance Of Statement Of Use E-Mailed

2011-06-27 - Law Office Registration Review Completed

2011-06-24 - Assigned To LIE

2011-06-21 - Allowed for Registration - Principal Register (SOU accepted)

2011-05-25 - Statement Of Use Processing Complete

2011-05-23 - Use Amendment Filed

2011-05-23 - TEAS Statement of Use Received

2011-03-22 - Notice Of Approval Of Extension Request E-Mailed

2011-03-21 - Extension 5 granted

2011-03-15 - Extension 5 filed
2011-03-15 - TEAS Extension Received
2010-10-13 - Notice Of Approval Of Extension Request E-Mailed
2010-10-12 - Extension 4 granted
2010-10-10 - Extension 4 filed
2010-10-10 - TEAS Extension Received
2010-03-26 - Notice Of Approval Of Extension Request E-Mailed
2010-03-25 - Extension 3 granted
2010-02-23 - Extension 3 filed
2010-03-25 - Case Assigned To Intent To Use Paralegal
2010-02-23 - TEAS Extension Received
2009-10-27 - Extension 2 granted
2009-10-26 - Extension 2 filed
2009-10-26 - TEAS Extension Received
2009-04-16 - Extension 1 granted
2009-04-16 - Extension 1 filed
2009-04-16 - TEAS Extension Received
2008-12-11 - Divisional processing completed
2008-11-24 - Divisional request received
2008-12-05 - Case Assigned To Intent To Use Paralegal
2008-11-24 - PAPER RECEIVED
2008-10-28 - NOA Mailed - SOU Required From Applicant
2008-08-05 - Published for opposition
2008-07-16 - Notice of publication
2008-07-02 - Law Office Publication Review Completed
2008-06-30 - Approved For Pub - Principal Register

2008-05-29 - Teas/Email Correspondence Entered
2008-05-29 - Communication received from applicant
2008-05-29 - Assigned To LIE
2008-05-28 - TEAS Response to Office Action Received
2008-03-25 - Notification Of Non-Final Action E-Mailed
2008-03-25 - Non-final action e-mailed
2008-03-25 - Non-Final Action Written
2008-03-13 - Assigned To Examiner
2007-12-08 - Notice Of Pseudo Mark Mailed
2007-12-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Brian R. Coleman

Correspondent

BRIAN R. COLEMAN
PERKINS COIE, LLP
101 JEFFERSON DR
MENLO PARK, CA 94025-1114
Phone Number: (650) 838-4441
Fax Number: (650) 838-4350

EXHIBIT H

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-06-29 16:12:27 ET

Serial Number: 85022983 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark



(words only): BOX

Standard Character claim: No

Current Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Date of Status: 2011-05-12

Filing Date: 2010-04-26

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
LAVACHE LINDA M

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-03-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Box.net, Inc.

Address:

Box.net, Inc.
101 Jefferson Drive.
Menlo Park, CA 94025
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Computer software for online management of business content in the field of cloud computing services; computer software, namely, downloadable programs and mobile device software for the collecting, editing, organizing, modifying, book marking, transmission, storage, and sharing of data and information; computer software, namely, software development tools for content management in a cloud; computer software for tracking changes and modifications to software and for managing software development projects; computer software, namely, application interfaces, plugins, and protocol interfaces and computer software development tools for design and development of open-source and proprietary software programs; computer software for cloud content management; computer programs for running development programs and application programs in a common development environment; computer software for use as a tool for automating, personalizing, designing and updating web sites, website templates, web site graphics, text and animation for a global computer network, internal and external computer networks, and/or local and/or wide area computer networks; computer software for providing access to, providing information to, and obtaining information from computer networks for cloud content management

Basis: 1(a)

First Use Date: 2006-03-01

First Use in Commerce Date: 2006-03-01

International Class: 038

Class Status: Active

Providing on-line chat rooms for transmission of messages among computer users concerning computers, computer software, document management, workgroups, business communications, business management and advertising, and small business issues

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 041

Class Status: Active

On-line journals, namely, blogs discussing technology and business

Basis: 1(a)

First Use Date: 2006-03-01

First Use in Commerce Date: 2006-03-01

International Class: 042

Class Status: Active

Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collecting, editing, organizing, modifying, book marking, transmission, storage, and sharing of data and information; computer services, namely,

providing customized on-line web pages featuring user-defined information; application service provider of cloud computing services, namely, hosting web based applications for cloud content management of business content; application service provider, namely, providing non-downloadable computer programs for running development programs and application programs in a common development environment

Basis: 1(a)

First Use Date: 2006-03-01

First Use in Commerce Date: 2006-03-01

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of the word "box" in lower-case letters.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-05-12 - Extension Of Time To Oppose Received

2011-04-12 - Notice Of Publication E-Mailed

2011-04-12 - Published for opposition

2011-03-10 - Law Office Publication Review Completed

2011-03-10 - Approved For Pub - Principal Register

2011-03-08 - Examiner's Amendment Entered

2011-03-08 - Notification Of Examiners Amendment E-Mailed

2011-03-08 - EXAMINERS AMENDMENT E-MAILED

2011-03-08 - Examiners Amendment -Written

2011-03-08 - Teas/Email Correspondence Entered

2011-03-07 - Communication received from applicant

2011-03-07 - TEAS Request For Reconsideration Received

2011-03-01 - TEAS Change Of Correspondence Received

2011-03-01 - Teas/Email Correspondence Entered
2011-03-01 - Communication received from applicant
2011-03-01 - TEAS Request For Reconsideration Received
2011-02-14 - Final refusal mailed
2011-02-13 - Final Refusal Written
2011-01-26 - Teas/Email Correspondence Entered
2011-01-26 - Communication received from applicant
2011-01-19 - Assigned To LIE
2011-01-04 - TEAS Response to Office Action Received
2010-08-13 - Non-final action mailed
2010-08-13 - Non-Final Action Written
2010-08-05 - Assigned To Examiner
2010-04-29 - New Application Office Supplied Data Entered In Tram
2010-04-29 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Brian R. Coleman

Correspondent

Brian R. Coleman

Perkins Coie, LLP

3150 Porter Drive

Palo Alto CA 94304

Phone Number: (650) 838-4441

Fax Number: (650) 838-4350

EXHIBIT I

TRADEMARK AND DOMAIN NAME PURCHASE AND ASSIGNMENT AGREEMENT

This TRADEMARK AND DOMAIN NAME PURCHASE AND ASSIGNMENT AGREEMENT (the "Agreement") dated as of June 15, 2011 (the "Effective Date"), is made by and among Fetchbox, LLC, a New York company ("Assignor"), its principal Ronald Schorr, and Box.net, Inc., a Delaware company ("Assignee").

RECITALS

A. Assignor owns, has adopted, has used, and is using the mark identified on Schedule A (the "Mark") attached hereto in connection with its business and is the owner of all right, title and interest in and to the registration for the Mark and the common law rights in and to the Mark;

B. Assignor owns the domain names identified on Schedule B (the "Domain Names") attached hereto and is the registrant of record for the Domain Names with Network Solutions, LLC (the "Registrar").

C. Assignor desires to assign to Assignee, and Assignee desires to acquire from Assignor, all of Assignor's right, title and interest in and to the Mark and to the Domain Names, including any and all goodwill and common law rights associated therewith, pursuant to the terms and conditions of this Agreement.

NOW THEREFORE, in consideration of the mutual covenants in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. Assignment and Transfer of Mark. Assignor hereby irrevocably sells, assigns, and transfers to Purchaser all of Assignor's rights, title, and interest in and to the Mark and the registration therefor, together with any and all of the goodwill of the business associated with the Mark, the common law rights in and to the Mark and the right to sue and recover for, and the right to profits or damages, due or accrued, arising out of or in connection with any past, present or future infringement of the Mark.

2. Assignment and Transfer of Domain Names. Assignor hereby irrevocably sells, assigns, and transfers to Purchaser all of Assignor's rights, title, and interest in and to the Domain Names, together with any and all of the goodwill of the business associated with the Domain Names. Assignor consents and authorizes the Registrar to transfer the Domain Names to Purchaser in accordance with the regular transfer procedures of Registrar. Assignor will cooperate promptly in facilitating the transfer to Assignee of the Domain Names with the Registrar and will follow the rules designated by the Registrar to effect such transfer, including promptly responding to the e-mail sent to Assignor from the Registrar confirming the transfer of the Domain Names to Assignee.

3. Acceptance. Assignee hereby accepts the foregoing assignments of the Mark and the Domain Names.

4. Representations and Warranties.

Assignor represents and warrants to Assignee:

- a. Assignor has the right, power and authority to enter into this Agreement;
- b. Assignor is the exclusive owner of all right, title and interest, including all intellectual property rights, in the Mark and the Domain Names; and
- c. Assignor has used the Mark and the Domain Names since at least 2000, and has continuously used them in connection with its business since that time.

5. Payment. In full consideration of Assignor's transfer to Assignee of all rights, title, and interest in and to the Mark and the Domain Names and the associated goodwill, Assignee shall pay Assignor the total sum of \$100,000. Upon execution of this Agreement, Assignee shall deposit the funds in escrow with Perkins Coie LLP ("Perkins Coie"). Assignee shall (a) record this Agreement with the U.S. Patent and Trademark Office and (b) initiate a request with the Registrar to transfer the Domain Names within one (1) business day of the execution of the Agreement. Assignor shall authorize the transfer of the Domain Names within one (1) business day of receiving the request for authorization from the Registrar. Upon confirmation of the transfer of the Domain Names to the Assignee by the Registrar, Perkins Coie shall release the funds to Assignor.

5. Future Use of Mark and Domain Names. Assignor and its principal Ronald Schorr, shall not make any use, either for their own benefit or for the benefit of any other person or entity, of the Mark or Domain Names. Assignor and Mr. Schorr agree that they shall not in the future register, use, apply to register or assist any third party with registering, use or apply to register a domain name, trademark, or designation that comprises or includes, whether alone or in combination with each other or with other words, the term "Fetchbox" or "Box."

6. Liabilities. Assignee shall not assume or become obligated in any way to pay any liabilities, debts, or obligations of Assignee, including, but not limited to, any liabilities or obligations now or hereafter arising from Assignee's business activities that took place prior to the execution of this Agreement or any liabilities arising out of or connected to the execution of this Agreement. Assignor shall indemnify and hold harmless Assignee and its officers, directors, Affiliates, employees, and agents against any loss or claim related to the foregoing. Notwithstanding the foregoing, Assignee shall assume any and all liabilities and obligations associated with the use of the Mark and Domain Names arising out of or related to Assignee's use of the Mark and Domain Names and Assignee shall indemnify and hold harmless Assignor against any loss or claim related thereto.

7. Further Assurances. Assignor agrees to execute all instruments and documents and do such additional acts as Assignee may deem necessary or desirable to effect, evidence,

record and perfect the contribution, transfer, assignment and recordation of the rights being assigned hereunder.

8. Entire Agreement. This Agreement and the schedules hereto constitute the entire agreement of Assignor and Assignee with respect to the subject matter hereof and supersede any prior or contemporaneous agreements (whether written or oral) between the parties with respect to the subject matter contained herein. This Agreement may be amended or modified only by a writing signed by each party hereto.

9. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of California, without reference to any choice of law principles. Any disputes arising under this Agreement must be settled in a court of competent jurisdiction in the State of California.

10. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and will be deemed fully executed when both parties have affixed authorized signatures, whether or not on a single page. Signatures received via facsimile shall be as legally binding for all purposes as an original signature.

IN WITNESS WHEREOF, the parties hereto have caused this Assignment to be executed by their duly authorized officers as of the Effective Date.


ASSIGNORS:

FETCHBOX, LLC:

By: _____
Name: _____
Its: _____

RONALD SCHORR:

ASSIGNEE BOX.NET, INC.:

By:  _____
Name: DANIEL LEVIN
Its: Chief Operating Officer

8. **Entire Agreement.** This Agreement and the schedules hereto constitute the entire agreement of Assignor and Assignee with respect to the subject matter hereof and supersede any prior or contemporaneous agreements (whether written or oral) between the parties with respect to the subject matter contained herein. This Agreement may be amended or modified only by a writing signed by each party hereto.

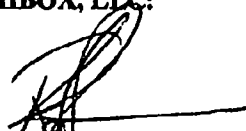
9. **Governing Law.** This Agreement shall be governed and construed in accordance with the laws of the State of California, without reference to any choice of law principles. Any disputes arising under this Agreement must be settled in a court of competent jurisdiction in the State of California.

10. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and will be deemed fully executed when both parties have affixed authorized signatures, whether or not on a single page. Signatures received via facsimile shall be as legally binding for all purposes as an original signature.

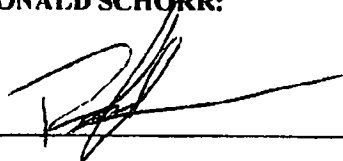
IN WITNESS WHEREOF, the parties hereto have caused this Assignment to be executed by their duly authorized officers as of the Effective Date.

ASSIGNORS:

FETCHBOX, LLC:

By: 
Name: RONALD SCHORR
Its: PRESIDENT

RONALD SCHORR:



ASSIGNEE BOX.NET, INC.:

By: _____
Name: _____
Its: _____

SCHEDULE A

MARK

<u>Trademark</u>	<u>Federal Registration No./Application No.</u>	<u>Registration Date</u>
FETCHBOX	2,650,384	11/12/2002

SCHEDULE B
DOMAIN NAMES

<u>Domain Names</u>
fetchbox.com fetchbox.org fetchbox.net picturebox.com